

REMARKS

Entry of this Amendment is proper since it narrows the issues on appeal and does not require further searching by the Examiner.

Claims 1-22 and 28-32 are all the claims presently pending in the application. Claims 1-4, 7-8, 10-11, 15-17, 22 and 29-32 have been amended to more particularly define the claimed invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-21 and 28-32 stand rejected under 35 U.S.C. § 102(a) as being allegedly anticipated by Robillard et al. ("A study of Program Evolution Involving Scattered Concerns") (hereinafter "Robillard")

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Robillard in view of Murphy et al. ("Capturing Concern Descriptions During Program Navigation").

These rejections are respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

An exemplary aspect of the claimed invention (e.g., as defined by claim 1) is directed to a system for identifying concerns, including a specifying device for specifying an initial concern in a software system, and an identifying device for exploring the software system and, based on a result of the exploring the software system, identifying a related concern in the software system having a relationship with the initial concern (Application at page 13, lines 18-22). This may allow a user to "pull apart" a software system by extracting related concerns.

Another exemplary embodiment of the claimed invention (e.g., as recited, for example, in claim 20) is directed to a system for identifying concerns, including a specifying device for specifying a query against artifacts related to software development, including

software, generated code, or models and information about software, means of displaying the results of the query, and means of updating the query when at least one of new artifacts are introduced, artifacts are deleted, and artifacts are changed (Application at page 18, lines 6-9; Figure 5B). This may allow the system to be self-refining as the software changes.

II. THE ALLEGED PRIOR ART REFERENCES

A. Robillard

The Examiner alleges that Robillard teaches the claimed invention of claims 1-21 and 28-32. Applicant would submit, however, that Robillard does not teach or suggest each and every element of the claimed invention.

In particular, nowhere does Robillard teach or suggest *"an identifying device for exploring said software system and, based on a result of said exploring said software system, identifying a related concern in said software system having a relationship with said initial concern"*, as recited in claim 1 (Application at page 13, lines 18-22). As noted above, this may allow a user to "pull apart" a software system by extracting related concerns.

Clearly, these features are not taught or suggested by Robillard.

Indeed, the Examiner attempts to rely on page 4, Figure 1 in Robillard to support his position that Robillard teaches the identifying device of the claimed invention. This is completely unreasonable.

In particular, the Examiner alleges that this feature is taught by the "top-right window Relations" in Figure 1 in Robillard. However, this window to which the Examiner refers simply displays the relationship between elements within a concern. This is clear from page 4, left column in Robillard which states "[t]he top-right window lists the relations between the selected element in the middle window **and any other element in THE concern**" (Emphasis added). That is, this window has nothing to do with a concern, but instead deals with elements of a single concern. In fact, this is made more evident at page 3, right column in Robillard which teaches that "[s]tructural relations between elements in A concern, such as fields or methods, are detected automatically by the tool and are displayed in the Eclipse window".

Moreover, Applicant would point out that the FEAT tool was distinguished from the claimed invention in the Background section of the present Application (Application at page

1, line 21-page 2, line 1; page 8, lines 18-21). Further, it is notable that Robillard describes his FUTURE work by stating that "we are currently working on algorithms to support the automatic determination of concerns of interest based on navigation graphs" (e.g., see page 9, left column).

Therefore, Robillard clearly does not teach or suggest an identifying device for **exploring the software system and, based on a result of the exploring the software system**, identifying a related concern in the software system having a relationship with the initial concern, as in the claimed invention.

Further, with respect to claim 20, nowhere does Robillard teach or suggest "*means of updating the query when at least one of new artifacts are introduced, artifacts are deleted, and artifacts are changed*", as recited, for example, in claim 20.

Indeed, as noted above, Robillard simply teaches a study of how developers discover and manage scattered concerns (Robillard at Abstract). That is, Robillard does not even teach or suggest updating a query, let alone means of updating the query when at least one of new artifacts are introduced, artifacts are deleted, and artifacts are changed. Thus, Robillard clearly does not teach or suggest the claimed invention of claim 20.

Therefore, Applicant would submit that Robillard clearly does not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

B. Murphy

The Examiner alleges that Robillard would have been combined with Murphy to form the invention of claim 22. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Applicant respectfully submits that these references are unrelated and would not have been combined as alleged by the Examiner. Thus, no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

Further, Applicant submits that there is no motivation or suggestion in the references to urge the combination as alleged by the Examiner. Indeed, these references clearly do not teach or suggest their combination. Therefore, Applicant respectfully submits that one of

ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Moreover, Applicant respectfully submits that neither Robillard, nor Murphy, nor any alleged combination thereof teaches or suggests "*exploring said software system and, based on a result of said exploring said software system, identifying a related concern in said software system having a relationship with said initial concern*" as recited, for example, in claim 22.

Clearly, this feature is not taught or suggested by Murphy.

Indeed, Murphy simply describes the FEAT tool stating that the tool may allow a user to browse and modify code, perform searches, etc. (Murphy at page 2). Further, when an element from the Projection View is added to a concern in Murphy, the query used to find the element is also transparently stored as part of the concern (Murphy at page 3). Murphy also states that FEAT represents a concern in a way identical to the base code in Eclipse, (i.e., in a declaration tree) except that the tree contains only the elements pertaining to the concern (Murphy at page 5).

That is, nowhere does Murphy teach or suggest **exploring said software system and, based on a result of said exploring said software system**, identifying a related concern in said software system having a relationship with said initial concern, as in the claimed invention.

Therefore, Murphy clearly does not make up for the deficiencies in Robillard.

Therefore, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

III. FORMAL MATTERS AND CONCLUSION

Applicant notes that the drawings have been amended to address the Examiner's objection thereto.

In view of the foregoing, Applicant submits that claims 1-21 and 28-32, all the claims

presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date: October 31, 2008

/Phillip E. Miller/
Phillip E. Miller, Esq.
Registration No. 46,060

McGinn IP Law Group, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254